



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

March 25, 2004

Dougherty, Clements & Hofer  
Attn: Mary E. Siems  
1901 Roxborough Road  
Suite 300  
Charlotte, NC 28211

Dear Ms Siems;

We regret to inform you that your refund request dated 01/19/04 for the amount of \$171.00, application number 10/6200065 cannot be granted for the reason specified below.

- Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is not entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly. **\*\*See below\*\***
- The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
  - Not filled out properly. (See attached copy of notice.)
  - Not made payable in U.S. funds.
  - No explanation was given as to purpose.
  - Payment was previously received and applied by Office.
  - Check was returned by bank for insufficient funds.

**\*\*Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**



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On 07/18/03, \$180.00 was charged for claims. On 12/11/03, we realized that a mistake was made, you were charged for 20 claims and you should have been charged for  $19 \cdot 19 \times 9 = 171.00$ . So on that day we put back the 180.00 and charged the 171.00 and a difference of \$9.00 was credited to your account.

If there are any further questions, please contact Customer Service at (703) 308-1202.

Sincerely,

Eleanor F. Kurtz  
Office of Initial Patent Examination